

JEFFREY MAUPIN, P.T.

License No.: 22136

Respondent

\* STATE BOARD

\* OF

\* PHYSICAL THERAPY EXAMINERS

\* Case No. 10-48M

\* \* \* \* \*

**FINAL ORDER OF REVOCATION  
OF THE RESPONDENT'S PHYSICAL THERAPY LICENSE**

On September 12, 2011, the Maryland Board of Physical Therapy Examiners (the "Board"), notified Jeffery Maupin, the Respondent, of its Intent to Revoke his physical therapist's license. The Notice also informed the Respondent that, unless he requested a hearing in writing within 30 days of receipt of said Notice, the Board would sign the Final Order herein, which was enclosed. More than 30 days has elapsed and the Respondent failed to timely request a hearing. Therefore, this revocation is final.

The basis for the Board's action was pursuant to the Administrative Procedure Act (the "APA"), Md. State Govt. Code Ann. § 10-226(c) (1) (2009 Repl. Vol. and 2010 Supp.) and the Maryland Physical Therapy Act, codified at Md. Health Occ. Code Ann. § 13-101, et seq., ("the Act") (2009 Repl. Vol. and 2010 Supp.).

The pertinent provision of § 10-226(c) (1) of the APA states:

*Revocation of suspension. (sic)*— (1) Except as provided in paragraph (2) of this subsection, a unit may not revoke or suspend a license unless the unit first gives the licensee:

(i) written notice of the facts that warrant suspension or revocation; and,

(ii) an opportunity to be heard.

The pertinent provisions of § The pertinent provisions of § 13-316. Denials, reprimands, probations, suspensions, and revocations – Grounds.

Subject to the hearing provisions of § 13-317 of this subtitle, the Board may deny a license or restricted license to any applicant, reprimand any licensee or holder of a restricted license, place any licensee or holder of a restricted license on probation, or suspend or revoke a license or restricted license if the applicant, licensee, or holder:

(6) Is convicted of or pleads guilty or nolo contendere to a felony or to a crime involving moral turpitude, whether or not any appeal or other proceeding is pending to have the conviction or plea set aside [;].

#### **FACTS THAT WARRANT THE REVOCATION OF THE RESPONDENT'S LICENSE**

1. At all times relevant hereto, the Respondent was licensed to practice physical therapy in Maryland. The Respondent was first licensed on December 4, 2007. The Respondent's license expires on May 31, 2012.

2. At all times relevant herein, the Respondent provided physical therapy through a home health care services company headquartered in Louisiana. The Respondent worked out of the Cecil County office. He was first employed by the company on December 29, 2008.

3. By a document dated November 23, 2010, the Director of Corporate Compliance of the company filed a complaint with the Board indicating that the Respondent was under "investigation for abusing a patient...we will be happy to provide evidence upon receipt of a subpoena..." The subpoena was directed to a Maryland employee who indicated that, on "December 15, 2010, a detective reported that an

investigation of the Respondent was being held in response to a complaint being made by a patient and the patient's family had led to a confession of abuse."

4. On December 16, 2010, as a result of the complaint of abuse, the Respondent was terminated from employment at the home health care services company.

5. The Respondent had provided physical therapy services to Patient A<sup>1</sup> on October 13, 14, 18 and 20, 2010. Patient A informed her daughter that the Respondent had touched her breasts on top and under her shirt on the 18<sup>th</sup>. Based upon that information, Patient A's daughter set up a video on the nightstand directly next to her mother's bed. After the Respondent left on the 20<sup>th</sup>, Patient A's daughter checked the camera and observed the Respondent continually touch and massage Patient A's breast, on top and under her shirt.

6. Patient A's daughter reported these incidents to the police who subsequently interviewed Patient A who, in addition to describing the breast incident, also told them that the Respondent sucked her breasts and touched her "down there", indicating her groin area. She indicated that the Respondent had been there four times, that he touched her inappropriately every time, and, that it was "getting worse every time."

7. The Detectives took a copy of the video recording from the daughter and reviewed it, observing the Respondent grab and fondle Patient A's breasts. According to the Detectives, it appeared that the Respondent squeezed the breast and nipple of the patient by placing it between his fingers. When they interviewed Patient A, she said that during those sessions, the Respondent touched her vagina area over her clothes,

touched both breasts with his hands, sucked her left breast and nipple, and grabbed her hand and made her touch his groin area, all against her will and consent.

8. On November 15, 2010, the Detectives met with the Respondent, who confessed to touching and sucking Patient A's breast during her physical therapy treatment sessions, but denied touching her vagina and having her touch his penis. During the interview, the Respondent stated that he did this type of activity with other female clients in the past but didn't know their names.

9. On November 17, 2010, an Application for Statement of Charges was filed with the Court Commissioner's Office for Cecil County and, on the 18<sup>th</sup>, a warrant was issued for the Respondent's arrest.

10. The Respondent was charged with the following in the District Court for Cecil County:

A. Count 1: Vulnerable Adult Abuse, Physical Injury, Incident date October 13, 2010;

B. Count 2: Sex Offense, Third Degree, Incident date, October 13, 2010;

C. Count 3: Sex Offense: Fourth Degree, Incident date, October 13, 2010;

D. Count 4: Assault—Second Degree, Incident date, October 13, 2010;

E. Count 5: Vulnerable Adult Abuse, Physical Injury, Incident date, October 14, 2010;

F. Count 6: Sex Offense: Third Degree, Incident, October 14, 2010;

G. Count 7, Sex Offense Fourth Degree, Incident date, October 14, 2010;

H. Count 8: Assault, Second Degree, Incident date, October 14, 2010;

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<sup>1</sup>The patient's name is confidential.

I. Count 9: Vulnerable Adult Abuse, Physical Injury, Incident date  
October 18, 2010;

J. Count 10: Sex Offense, Third Degree, Incident date, October 18,  
2010;

K. Count 11: Sex Offense, Fourth Degree, Incident date, October 18,  
2010;

L. Count 12: Sex Offense, Assault, Second Degree, Incident date,  
October 18, 2010;

M. Count 13: Vulnerable Adult Abuse, Physical Injury, Incident date,  
October 20, 2010;

N. Count 14: Sex Offense, Third Degree, Incident date, October 20,  
2010;

O. Count 15: Sex Offense, Fourth Degree, Incident date, October 20,  
2010;

P. Count 16: Assault, Second Degree, Incident date, October 20, 2010.

11. Based upon the above, on December 21, 2010, the Board issued a summary  
suspension of the Respondent's license. The Respondent failed to request a hearing.

12. The case was subsequently removed to the Circuit Court of Cecil County,  
where, on April 29, 2011, the Respondent<sup>6</sup> pled guilty to Count 2, and was convicted of  
same. He received seven years incarceration, with all but six months suspended, followed  
by three years probation, with at least the first year of same supervised. He is to have no  
contact with the victim and is not to seek reinstatement of his license.

13. As set forth above, the Respondent pled guilty to a felony and a crime of moral turpitude, in violation of the Act, and should have his license revoked.

### **CONCLUSIONS OF LAW**

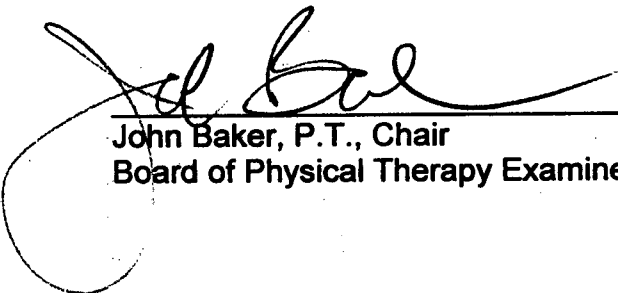
Based upon the foregoing Facts, the Board concludes that the Respondent violated its Act and that the revocation is warranted, pursuant to § COPY FROM NOTICE and § 10-226 (c) (1) of the APA.

### **NOTICE OF RIGHT OF APPEAL**

In accordance with Md. Health Occ. Code Ann. § 13-318 (2009 Repl. Vol. and 2010 Supp.) and the Administrative Procedure Act, Md. State Govt. Code Ann. § 10-201, *et seq.*, (2009 Repl. Vol. ND 2010 Supp.) you have a right to a direct judicial appeal of this decision. A petition for appeal of the Final Board Order shall be filed within thirty days from your receipt of this Final Order and shall be made in accordance with the aforesaid authority.

Date

11/15/2011

  
John Baker, P.T., Chair  
Board of Physical Therapy Examiners